

UNITED STATES BANKRUPTCY COURT FOR THE
WESTERN DISTRICT OF NORTH CAROLINA
CHARLOTTE DIVISION

In re:

RAYSHION SASHINGTON

Debtor.

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Case No.: 19-31767
Chapter 13 Proceeding

APPLICATION TO SELL REAL ESTATE & FOR COMPENSATION

NOW COMES Debtor, by and through his undersigned counsel, David W. Hands, and moves this Court for an Order allowing the sale of real property, and in support thereof respectfully shows unto the Court the following:

1. Debtor filed a Chapter 13 petition with this Court on December 31, 2019.
2. Debtor included in his petition real property located at 9802 Shearwater Avenue NW, Concord, NC 28027.
3. This property is jointly owned by Debtor and his spouse, Niki T. Dunham.
4. Debtor, along with his spouse, recently entered into an Offer to Purchase and Contract for the sale of this Real Property under which they have agreed to sell the Real Property to Guanqun Wang and Mei Sun for \$659,999.00. A true and correct copy of the contract is attached.
5. Given current market conditions and the condition of the Real Property, Debtor has been informed and believes that this sales price is fair and equitable and in the best interest of the bankruptcy estate and its creditors.
6. The closing date is tentatively scheduled for August 31, 2022.
7. To our knowledge, the property has only one outstanding lien held by Gitsit Solutions LLC, with an approximate balance of \$320,900.74.
8. Debtor is not aware of any other liens, claims or encumbrances on this Property.
9. According to the Sellers Estimate Net sheet (provided by the listing agent), Debtor and his spouse will be entitled to approximately \$291,598.30 which represent the net proceeds after all associated closing costs and expenses are paid.

WHEREFORE, Debtor respectfully requests the entry of an Order:

1. Authorizing Debtor to sell the Real Property on the terms provided for in the contract attached to this Motion.
2. Directing that all liens and encumbrances on the Real Property be satisfied upon disbursement **at closing**.
3. Directing that all closing costs be satisfied by disbursement **at closing**.
4. Directing that all secured claims of the property being sold be closed and no further distributions be paid through the plan by the Chapter 13 Trustee upon completion of the sale of the property.
5. That after all outstanding liens upon the property are satisfied and closing costs are paid, the closing attorney shall disburse any remaining proceeds directly to Debtor and his spouse.

6. That the closing attorney provide the settlement statement to the Chapter 13 Trustee within 5 days of closing.
7. Allowing attorney David W. Hands a non-base fee of \$450.00 and expenses of \$75.00, for a total of \$525.00, to be paid by the closing Attorney from the sales proceeds **at closing**.
8. That a status hearing be held on September 26, 2023 at 10:00 AM at 401 W. Trade Street, LTB Courtroom 2A, Charlotte, NC 28202; and
9. Granting Debtor such other and further relief as the Court deems just and proper.

This the 12th day of August, 2023.

/s/ David W. Hands
David W. Hands, Bar No. 28560
Attorney for the Debtor
3558 N. Davidson Street
Charlotte, NC 28205
(704) 248-7976
dhands@handslawonline.com

CERTIFICATE OF SERVICE

I hereby certify that I have this day served a copy of Debtor's Application to Sell Real Property & for Compensation by either Electronic Case Filing as indicated below or by depositing copies of same in the exclusive care and custody of the United States Postal Service, with proper postage thereto affixed, addressed to the parties listed herein below and on the attached list of creditors.

Bankruptcy Administrator

Via Electronic Case Filing

Jenny P. Holman
Chapter 13 Trustee

Via Electronic Case Filing

Respectfully submitted this the 12th day of August, 2023.

/s/ David W. Hands
David W. Hands, Bar No. 28560
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NOTICE OF HEARING

TAKE NOTICE that Debtor has filed an Application to sell his property and set a status hearing. A copy of Debtor's Motion accompanies this notice.

TAKE FURTHER NOTICE that a hearing on Debtor's Motion has been scheduled for September 12, 2023, at 10:00 a.m., or as soon thereafter as the matter may be heard at the United States Bankruptcy Court, US Court House- Judge Beyer -LTB Courtroom 2A, 401 W. Trade Street, Charlotte NC 28202.

This the 12th day of August, 2023.

s/ David W. Hands
David W. Hands Bar No. 28560
Attorney for the Debtor
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Charlotte, NC 28205
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